

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

REGENERON PHARMACEUTICALS,  
INC.,

Plaintiff,

v.

GENENTECH, INC.,

Defendant.

Civil Action No. 10-CV-08779  
(JFM) (PED)  
ECF Case

**NOTICE OF DEFENDANT GENENTECH'S MOTION TO DISMISS  
THE COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION**

PLEASE TAKE NOTICE THAT upon the complaint in this matter, the accompanying memorandum of law, the accompanying declaration of Kenneth A. Gallo, and all other papers herein, Defendant Genentech, Inc. hereby moves this Court before the Honorable J. Frederick Motz, United States Courthouse, 300 Quarrapos Street, White Plains, New York 10601, at a time and date to be determined by the Court, for an order dismissing the Complaint under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction.

PLEASE TAKE FURTHER NOTICE THAT opposition papers, if any, must be served and filed within fourteen (14) days after service of the moving papers, and reply papers, if any, must be served and filed within fourteen (14) days after service of the opposition papers.

Defendant respectfully requests oral argument on this motion.

Dated: January 11, 2011  
Washington, DC

Respectfully submitted,

PAUL, WEISS, RIFKIND,  
WHARTON & GARRISON LLP

/s/ Kenneth A. Gallo

Kenneth A. Gallo  
Craig Benson  
**PAUL, WEISS, RIFKIND,  
WHARTON & GARRISON LLP**  
2001 K Street NW  
Washington, DC 20006  
Telephone: 202-223-7300  
Facsimile: 202-223-7420  
Email: kgallo@paulweiss.com  
Email: cbenson@paulweiss.com

John E. Nathan  
Eric Alan Stone  
1285 Avenue of the Americas  
New York, NY 10019  
Telephone: 212-373-3000  
Facsimile: 212-757-3990  
Email: jnathan@paulweiss.com  
Email: estone@paulweiss.com

Jennifer Gordon  
Scott Familant  
**BAKER BOTTS LLP**  
30 Rockefeller Center  
New York, NY 10112  
Telephone: 212-408-2500  
Facsimile: 212-408-2501  
Email: jennifer.gordon@bakerbotts.com  
Email: scott.familant@bakerbotts.com